IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 743 OF 2006

IN

APPEAL FROM ORDER No.72 of 2006

Shri Surendra Yadav & ors .. Applicant

versus

The Chief Executive Officer & ors... Respondents

...

Mr.Tiwari i/b B.H. Bhalwal for applicant.

Mr.Abhijeet Wagh i/b Uttangale for respondent no.1.

Mr.A.Narulla i/b Narula & Associates for respondent no.3.

Mr.D.P. Adsule, AGP for respondent.

Ms.Geeta Jogalekar for respondent no.2.

CORAM : D.G. KARNIK, J

DATED : 5th September 2006

P.C.:

1. Heard learned counsel for the parties.

2. This application is made under Order 41 Rule 19 of the Code of Civil Procedure for restoration of the appeal which was dismissed in default on 31st July 2006. In paragraph no.3 of the application, reasons for absence have been explained. In the affidavit in reply, the reasons mentioned in paragraph no.3 are not denied. In the circumstances, I am satisfied that there was sufficient cause for the absence. Hence, Civil Application is allowed in terms of prayer clause (a).

3. List the appeal for hearing on admission on 11th September 2006.

(D.G. KARNIK, J.)